



# Town Council Agenda Report

**SUBJECT:** Quasi Judicial Hearing: Variance

**CONTACT PERSON/NUMBER**

Name: Mark Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

V 3-3-00 Gary and Joanne Macintosh, petitioner/owners - 1720 SW 116 Avenue/Generally located at the northeast corner of SW 116 Avenue and SW 17 Court.

**REPORT IN BRIEF:**

Due to building elevation standards at the time the subject site area was constructed and it's low water table, drainage is a major concern in the area. This was proven during the time of Hurricane Irene in 1999 (see attached petitioner pictures). The R-1 District is a rural zoning designation which provides for the keeping of animals such as horses. Horses require dry conditions while stabled in these areas. Therefore, the petitioner is requesting a side yard setback variance in order to demolish the existing horse stable structure, fill the building pad to a suitable elevation to prevent flooding, and reconstruct his barn.

For the reasons as further explained within the Development Details section of the staff report, staff believes there are special circumstances which apply to this site which do not generally apply to other properties within the same zoning district. Additionally, the proposed barn will be reconstructed under current setback requirements which will place it further away from the properties to the south and east, while maintaining significant distances from the properties to the west and north. Finally, the property to the east was developed under the new Broward County elevation standards accommodating an increase in elevation for this site, while the properties to the south and west are buffered by right-of-way. The property to the north should be unaffected as it is a significant distance from the barn area.

In conclusion, staff believes this request meets the criteria for a variance, is the minimum request necessary to accommodate the purpose of the request, and will not be harmful to the welfare of the general public.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:** The Planning and Zoning Board recommended approval of petition V 3-3-00 (motion carried 3-0, Mr. Stahl absent, April 26, 2000).

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Planning Report, Plot Plan, Land Use Map, Subject Site Map, and Aerial.

**Application #: V 3-3-00**

**Revisions:**

**Exhibit "A":**

**Original Report Date: 4/19/00**

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner:**

**Name:** Gary L. Macintosh &  
Joanne M. Macintosh  
**Address:** 1720 SW 116 Avenue  
**City:** Davie, FL 33325  
**Phone:** (954) 475-3002

**Agent:**

**Name:** Gary L. Macintosh  
**Address:** 1720 SW 116 Avenue  
**City:** Davie, FL 33325  
**Phone:** (954) 475-3002

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**BACKGROUND INFORMATION**

**Application Request:** To allow an accessory structure roof height of 24.13 feet to exceed the 21.13 feet height of the principal structure (a total of 3 feet difference).

**Address/Location:** 1720 SW 116 Avenue/Generally located at the northeast corner of SW 116 Avenue and SW 17 Court.

**Future Land Use Plan Designation:** Residential (1 du/ac)

**Zoning:** R-1, Estate Dwelling District

**Existing Use:** Single-family residential home

**Proposed Use:** Same as above.

**Parcel Size:** 1.1 acres (47,916 square feet)

**Surrounding Uses:**

**North:** Single-family residential  
**South:** Single-family residential  
**East:** Single-family residential  
**West:** Single-family residential

**Surrounding Zoning:**

**North:** R-1, Estate Dwelling District  
**South:** R-1, Estate Dwelling District, across SW 17 Court

**Surrounding Land Use:**

Residential (1 du/ac)  
Residential (1 du/ac)  
Residential (1 du/ac)  
Residential (1 du/ac)

**East:** R-1, Estate Dwelling District  
**West:** R-1, Estate Dwelling District, across SW 116 Avenue

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## **ZONING HISTORY**

**Related Zoning History:** None.

**Previous Request on same property:** None.

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## **DEVELOPMENT PLAN DETAILS**

This site includes an existing 2,993 square foot principal structure with covered concrete areas and screened patio. This site also includes an existing 30 foot radius horse paddock with an approximate 500 square foot barn and associated wooden fence areas.

According to the petitioner, due to the existing site elevations, this property was devastated by the flooding which occurred during Hurricane Irene in 1999. The petitioner has indicated that horses are kept on this property and require dry conditions to prevent them from foundering. To assure proper stall elevation in the future, the petitioner intends to demolish the existing barn, demuck the barn area and bring in clean fill to be placed two feet above the existing ground elevations, and ultimately reconstruct the barn. The increase in elevations will in turn, contribute to a barn roof elevation higher than the roof elevation of the existing principal structure. The petitioner's back-up indicates the following existing and proposed ground elevations:

Elevation of existing barn ground area:	5.4 feet
Elevation of proposed barn ground area:	<u>7.4 feet</u>
Proposed increase in elevation:	2.0 feet

The petitioner has also pointed out that Broward County has revised their minimum requirements for finished floor area for new development since 1970. Therefore, other homes in the area are constructed at higher elevations than the subject site. More specifically, the petitioner indicates that his mother-in-law constructed a house abutting the subject site to the east which stands at a finished floor elevation of 10.5 feet above sea level; a difference of 5.1 feet higher than the subject site. Please note, lots may be back-filled without the need for a variance as long as all Davie engineering standards and Broward County requirements are met.

The petitioner also indicates that the existing home was designed with a low roof truss system which was typical of homes in the 1970's, and states, the roof pitch on the home is 2.5"/12" rather than the 4"/12" roof that is used today to more efficiently shed water. The petitioner also indicates, the 2.5"/12" pitch of the existing roof trusses which are 34 feet long, gives a total truss height of only 42.5". The height of the 4"/12" barn truss is 75" which is necessary for the efficient shedding of rain water as well as for proper ventilation. The petitioner's back-up indicates the following existing and proposed roof heights of the principal structure and the proposed roof barn roof height; noting, the Town measures height of sloped-roofed structures using the mean roof height:

Height of existing principal structure:	21.13 feet
Height of proposed barn:	<u>24.13 feet</u>
Proposed difference to exceed principal structure:	3.00 feet

The petitioner states, the 3 feet (36 inches) variance from the code will provide an interior

height that will allow for proper interior ventilation, especially for the horse stall that is adjacent to the tack and feed room. The plan also calls for future ceiling fans in each stall and in the grooming areas to assist ventilation.

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### **Applicable Codes and Ordinances**

Section 12-33(A)(4), states, that in all districts an accessory building or structure shall not be of greater height than a principal building on the plot.

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### **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 2. This planning area includes the western section of the Town north of Orange Drive and south of SW 14th Street. The predominant existing and planned land use is single-family residential at a density of one dwelling per acre. This planning area contains numerous small subdivisions of one dwelling lots. Several larger parcels are currently being platted, in preparation for marketing or development as estate residences. It is expected that this trend shall continue as the existing inventory of single-family lots is depleted.

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### **Broward County Comprehensive Plan Considerations**

This property falls within Flexibility Zone 100. This request has no affect on Broward County concurrency as no increase in building area is proposed.

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### **Staff Analysis**

Due to building elevation standards at the time the subject site area was constructed and it's low water table, drainage is a major concern in the area. This was proven during the time of Hurricane Irene in 1999 (see attached petitioner pictures). The R-1 District is a rural zoning designation which provides for the keeping of animals such as horses. Horses require dry conditions while stabled in these areas.

For the above mentioned reasons as further explained within the Development Details section of this report, staff believes there are special circumstances which apply to this site which do not generally apply to other properties within the same zoning district. Additionally, the proposed barn will be reconstructed under current setback requirements which will place it further away from the properties to the south and east, while maintaining significant distances from the properties to the west and north. Finally, the property to the east was developed under the new Broward County elevation standards accommodating an increase in elevation for this site, while the properties to the south and west are buffered by right-of-way. The property to the north should be unaffected as it is a significant distance from the barn area.

In conclusion, staff believes this request meets the criteria for a variance, is the minimum request necessary to accommodate the purpose of the request, and will not be harmful to the welfare of the general public.

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## Findings of Fact

### Variances:

#### **Section 12-309(B)(1):**

(a) There are special circumstances and conditions applying to the land and building for which the variance is sought; the circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district. Said circumstances or conditions are not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land or building for which the variance is sought, however, would prevent the redevelopment/upgrading of land which is encouraged by the Town of Davie Comprehensive Plan.

(b) The granting of the variance is necessary for the requested reasonable use of the land or building for the established purpose of keeping horses accessory to the residential use of the property, and the variance as requested is the minimum variance that will accomplish this purpose;

(c) Granting of the requested variance is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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## Staff Recommendation

**Recommendation:** Based upon the above and the finding of facts in the positive, staff recommends **approval** of petition V 3-3-00.

## Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of petition V 3-3-00 (motion carried 3-0, Mr. Stahl absent, April 26, 2000).

## Exhibits

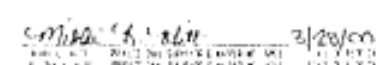
1. Existing Plot Plan
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

\_\_\_\_\_

The West 225 feet of the East 475 feet of the North 81 feet of Tract 12 and the West 225 feet of the East 475 feet of the South 139 feet of Tract 13, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, of Section 18, Township 50 North, Range 40 East, according to the plat thereof, as recorded in Plat Book 2, Page 17 of the Public Records of Brevard County, Florida. Said lands situate, lying and being in Brevard County, Florida. A K-1 Lot 23, LITTLE COUNTRY ESTATES (undivided)

[illegible]

# EXHIBIT 1

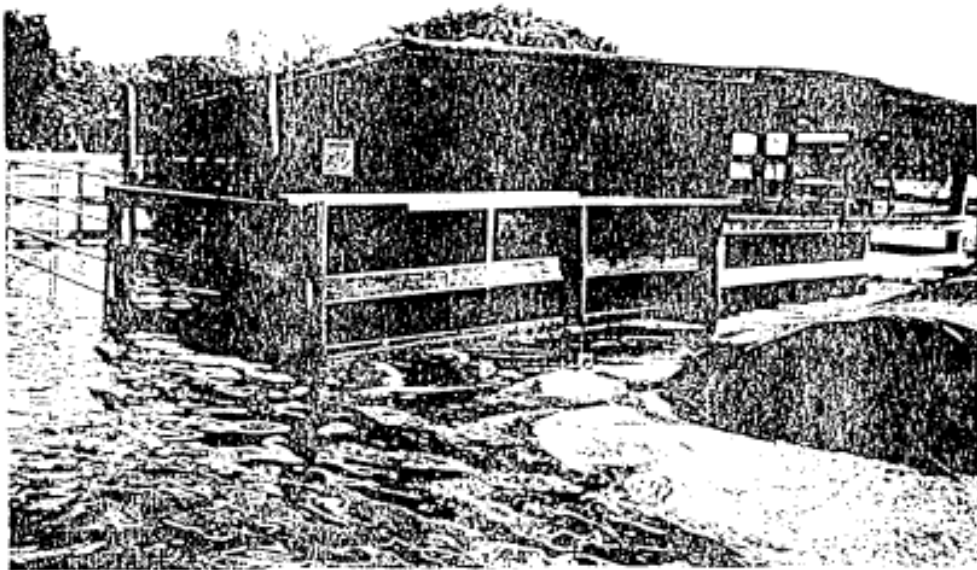
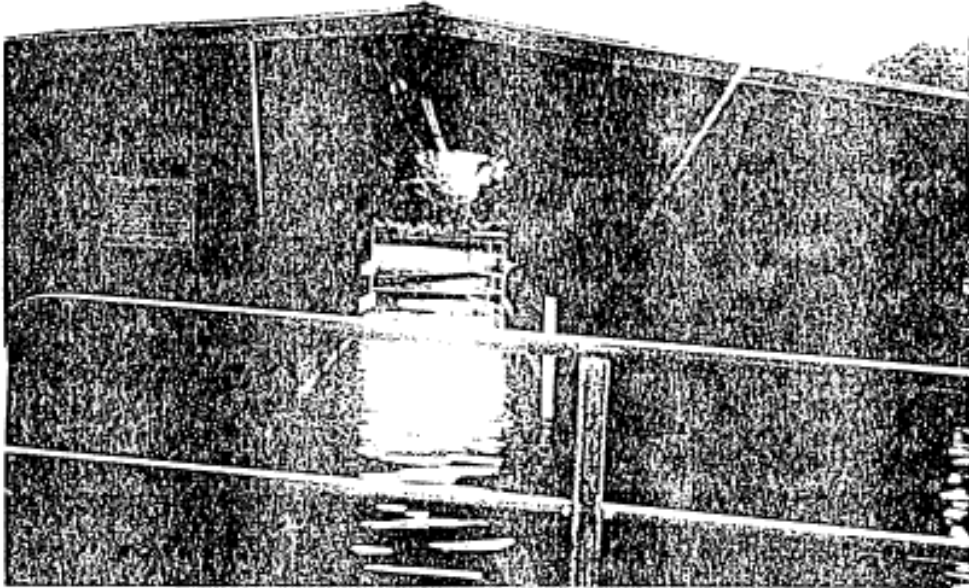
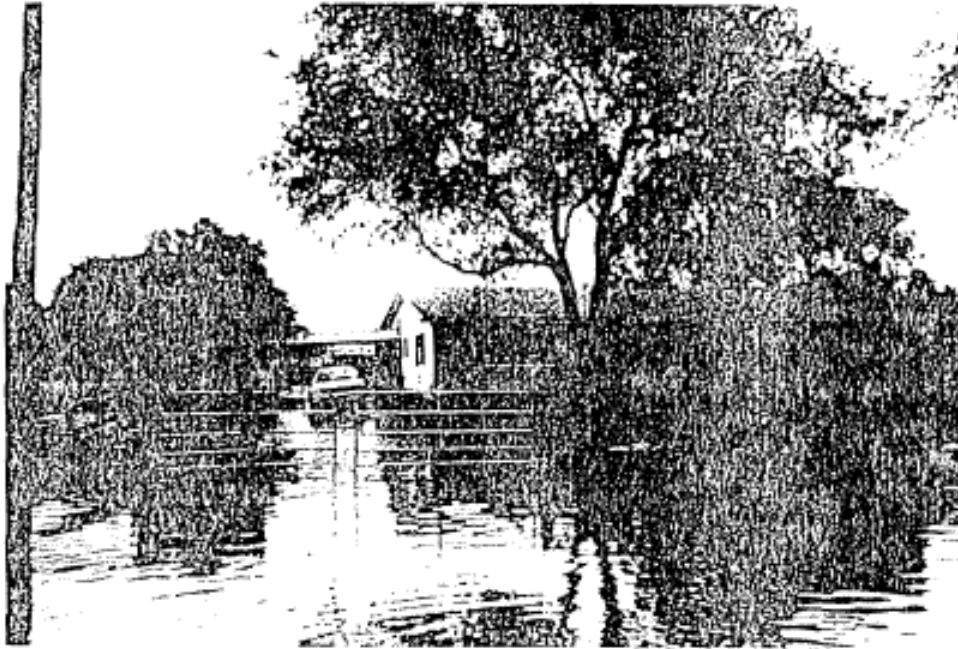


EXHIBIT 2





### EXHIBIT 3

*Please note elevation comparison.*



1720 SW  
116 Ave.  
(out home,  
(white)



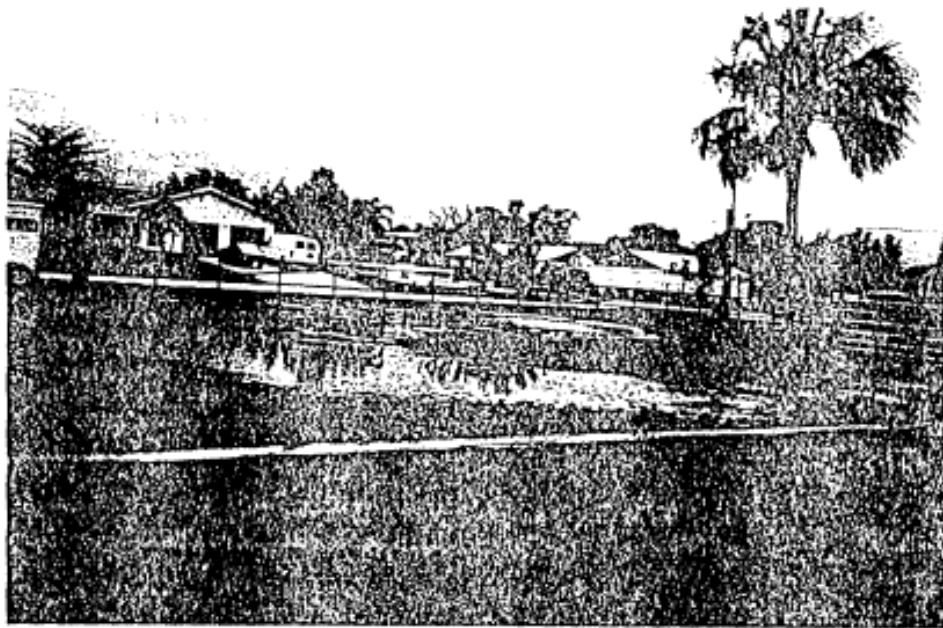
Neighborhood  
South



Neighborhood  
East

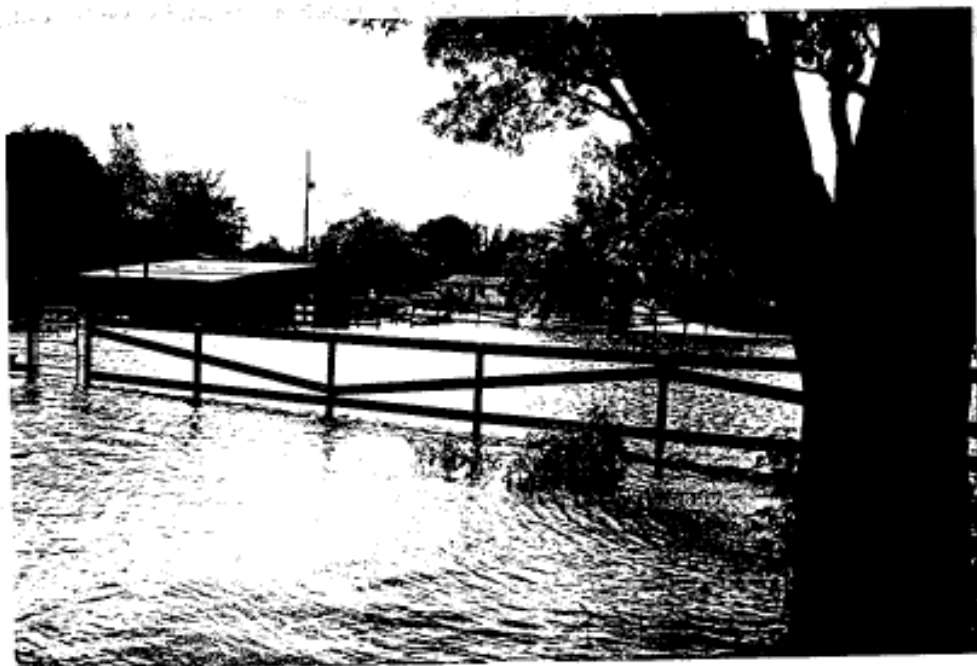
Photo 3-1

EXHIBIT 4











RESIDENTIAL 1 DU/AC

SUBJECT SITE



RESIDENTIAL 1 DU/AC

Sub. No. 1, p. 6, 2, pg. 1A  
Fruit Lands Co.  
O.C.P.

PETITION NUMBER  
V 3-3-00

Source Town of Davis Future Land Use Map

PREPARED 4/17/00  
BY THE PLANNING &  
ZONING DIVISION

Scale 1" = 400'

N

4

S.W. 14th St.

**A-1** 208180

**SUBJECT SITE**

**R-1**

Little Country Estates (Unrecorded)

Happy Valley P

PETITION NUMBER

V 3-3-00

N

**4**

PREPARED 4/11/00  
BY THE PLANNING &  
ZONING DIVISION

Scale 1"=300'

Tree Haven Estates (14

1 2 3 4

Sub. No. 1, P.B. 2, Pg. 17  
D.C.R.  
da Fruit Lands Co.



